

Profile Of Town Counsel Thaxter

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to serve for another score. His predecessor held the post for 37 years — Town Counsel is no fly-by-night position. Thaxter admitted, "Sure it's prestigious, I certainly don't do it for the money."

"The money" is the annual \$18,000 stipend he receives for handling the town's legal business, which among other things involves: preparing all contracts, deeds, bonds and other legal instruments to the town; legal advice and written opinions when so requested by the Board of Selectmen to any town officer, board and committee regarding any substantial legal question or matter; supervising investigation of any claim arising out of an injury to persons or property to protect the town against such claims; and prosecuting or defending all cases pending in any federal or state court.

This is a heavy load, attested Thaxter. No one doubts him, for even the briefest visit to his office reveals unending streams of phone calls, messages, briefs and people dying to get in his door. He has therefore two assistants, Attorneys Richard Henderson and Maurice McLaughlin, also of his office. "I literally couldn't do it myself and keep up my practice," Thaxter said and indicated that when he gets swamped with town busi-

ness, he divies up the work load with his assistant town counsels.

Although Thaxter didn't dwell on the matter of money, he noted that surrounding towns pay a much higher salary to their town counsels. "Time sheets are kept showing the amount of time spent on each case — which proves that the time we spend is compensated at a very minimal fee," he said.

"But you're involved with town affairs," he said, and agreed rather proudly, he was glad to be a part of the town's trials (literally) and tribulations, hearings, disputes and Town Meetings, where his nasal "Second" can be heard confirming motions on the floor.

Henderson usually handles all matters pertaining to school zoning, building, and harbor rules and regulations. In fact, Thaxter pointed out, in the future bylaw violations will be brought as criminal complaints in the District Court of East Norfolk in Quincy. McLaughlin is busy with taxtakings and anything to do with real estate.

"In nearly 20 years we haven't had a lot of suits against the town, Thaxter said, "until recently — we're getting killed." He was referring to several involved continuing cases, such as the



J. Blake Thaxter

McGee zoning issue, the Marr mooring battle, the Kuhn versus the Board or Health case, and a suit involving the workers in the construction of the town's reservoir and dam, and one for personal injuries blamed on an alleged defect of a Cohasset highway.

Both Thaxter and Henderson bemoaned the time and money these cases were costing the town. They suggested

that the flurry of litigation has questionable merit. Many have been heard before a Master, and transcript fees alone have mounted into the thousands of dollars. "The Kuhn case took 12 trial days," Thaxter said, and indicated that it was heard at his office, at Norfolk Superior court, in a Boston office and which is still in front of a Master. "Those stenographic costs cost us \$1700," he said, of the total \$6000 transcript bill. The town's legal fee appropriation is a mere \$500; anything over that amount must be transferred from reserve funds by the Advisory Board at the request of Selectmen, Thaxter reminded.

Other continuing cases involving the Town Counsel have been the Smith and Moir hearings, former patrolmen who have appealed the decision of the Selectmen in their dismissals. Now the question of Patrolman Feola's suspension can be added to the list of police issues Thaxter must hear.

Charles Humphreys, a former partner with Thaxter's firm, was the town's contract negotiator, but since he has left Thaxter will take up that voluminous slack, as well. The fact that the police and fire contracts didn't get approved by the people during the last leg of the 1979 Town Meeting, because of the lack of a quorum, Thaxter finds a "tragedy." I feel it's too bad people don't take more interest. It's a tragedy that people aren't aware of how they're spending their money."

Apart from town business, Thaxter refers to himself and his associates as general practitioners, handling state, trial, conveyance, domestic and any other type of legal business one could think of. "Unrelated things," Thaxter said, of his practice, of the universe in general, "you have to have that ability, to go from one to the other."

And one must also have the ability to separate work and friendship. It's a small town, and it wouldn't be unusual for Thaxter to find himself sitting opposite someone he knew or has heard of in town. In the Smith case, for instance, Thaxter chose not to represent the town, as one of the case's witnesses was a former client of his.

"Obviously, we don't get involved if the case involves a close personal friend. We can't even give the appearance of impropriety," Henderson said quoting a portion of a law.

Ordinarily however, it was pointed out, legal conflict of interest and friendship doesn't enter in. "I call it as I see it," J. Blake Thaxter, Jr. said.

By the way the J. stands for Joseph.

Sweeney Resigns

Avis Sweeney of Jerusalem Road has resigned with regret from the Cohasset Historical Commission as her professional and personal life make it untenable for her to continue at this time.

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